

USPTO  
RECEIPTS AND  
DIVISION

Patent Application Number: 10/801,464  
Attorney Docket Number: A3557-US-NP

2009 SEP 17 AM 10: 49

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Debora M. H. LITWILLER      **GROUP:** 2174

**APPLICATION:** 10/801,464      **EXAMINER:** B. Parker

**FILED:** March 16, 2004      **CONFIRMATION:** 3203

**FOR: METHOD AND SYSTEM FOR DISPLAYING ANNOTATED  
INFORMATION ASSOCIATED WITH A SETTABLE VARIABLE  
VALUE FEATURE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION FOR RELIEF FROM PAID EXCESS FEES**

The Applicant respectfully petitions the Honorable Commissioner, under 37 C.F.R. 1.181 to invoke the Commissioner's supervisory authority and instruct the Deposit Account Branch to refund the extra Notice of Appeal fees and extra Appeal Brief Fees charged in view of the facts and reasons set forth below.

**Statement of Facts**

1. On December 21, 2007, the undersigned electronically filed a Notice of Appeal for the above-identified application, along with the Fee of \$510, to be charged against Deposit Account 24-0037.

2. On December 28, 2008, the undersigned electronically filed an Appeal Brief for the above-identified application, along with the Fee of \$510, to be charged against Deposit Account 24-0037.

3. On June 11, 2009, the Examiner withdrew this application from Appeal and issued a new Office Action.

4. On September 14, 2009, the undersigned initiated a new appeal by electronically filing a Notice of Appeal under 37 CFR 41.31 along with an Appeal Brief under 37 CFR 41.37.

5. On September 14, 2009, the undersigned was required the full fees for electronically filing a Notice of Appeal under 37 CFR 41.31 (\$540) instead of the required fee of \$30.

6. On September 14, 2009, the undersigned was required the full fees for electronically filing an Appeal Brief under 37 CFR 41.37 (\$540) instead of the required fee of \$30.

**REMARKS**

As noted above, September 14, 2009, the undersigned electronically filed a Notice of Appeal under 37 CFR 41.31 along with an Appeal Brief under 37 CFR 41.37.

The Notice of Appeal under 37 CFR 41.31 required a fee of \$30 (\$540 [current fee] - \$510 [previous paid fee]). However, the undersigned was required the full fees for electronically filing a Notice of Appeal under 37 CFR 41.31 (\$540) instead of the required fee of \$30.

**Patent Application Number: 10/801,464**  
**Attorney Docket Number: A3557-US-NP**

The Appeal Brief under 37 CFR 41.37 required a fee of \$30 (\$540 [current fee] - \$510 [previous paid fee]). However, the undersigned was required the full fees for electronically filing an Appeal Brief under 37 CFR 41.37 (**\$540**) instead of the required fee of \$30.

37 C.F.R. 1.17(h) states that the Director may refund any fee paid in excess of that required. As noted above, the undersigned was required, due to the limitations of the Patent Office's EFS, pay fees in excess to that which was required.

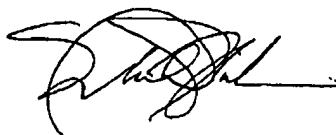
Therefore, since the fees for the Notice of Appeal and Appeal Brief were paid in excess of that required, the excess fees (**\$1020**) should be refunded to Deposit Account 24-0037.

#### **CONCLUSION**

Therefore, in view of the facts and reasons set forth above, the Applicant respectfully request that the Honorable Commissioner invoke the Commissioner's supervisory authority under 37 C.F.R. 1.181 and instruct the Deposit Account Branch to refund the excess fees of \$1020 charged to Deposit Account 24-0037.

The Honorable Commissioner is respectfully encouraged to contact the undersigned to discuss the circumstances warranting this Petition.

Respectfully submitted,



Michael J. Nickerson  
Registration No. 33,265  
Basch & Nickerson LLP  
1777 Penfield Road  
Penfield, New York 14526  
Telephone: (585) 899-3970  
Customer No. 75931

MJN/mjn

## Electronic Patent Application Fee Transmittal

**Application Number:**

10801464

**Filing Date:**

16-Mar-2004

**Title of Invention:**

Method and system for displaying annotated information associated with a settable variable value feature

Adjustment date: 09/23/2009 HDESTA1  
12/26/2007 INTEFSW 00000419 240037 10801464  
01 FC:1401 510.00 CR

**First Named Inventor/Applicant Name:**

Debora Margaret Hejza Litwiller

**Filer:**

Michael J. Nickerson

**Attorney Docket Number:**

A3557-US-NP

Filed as Large Entity

### Utility Filing Fees

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|-------------|----------|----------|--------|----------------------|
|-------------|----------|----------|--------|----------------------|

**Basic Filing:**

**Pages:**

**Claims:**

**Miscellaneous-Filing:**

**Petition:**

**Patent-Appeals-and-Interference:**

|                  |      |   |     |     |
|------------------|------|---|-----|-----|
| Notice of appeal | 1401 | 1 | 510 | 510 |
|------------------|------|---|-----|-----|

**Post-Allowance-and-Post-Issuance:**

**Extension-of-Time:**

| Description       | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|-------------------|----------|----------|--------|----------------------|
| Miscellaneous:    |          |          |        |                      |
| Total in USD (\$) |          |          |        | 510                  |

## Electronic Patent Application Fee Transmittal

**Application Number:**

10801464

**Filing Date:**

16-Mar-2004

**Title of Invention:**

Method and system for displaying annotated information associated with a settable variable value feature

Adjustment date: 09/23/2009 HDESTA1  
12/31/2007 INTEFSW 00001339 240037 10801464  
01 FC:1402 510.00 CR

**First Named Inventor/Applicant Name:**

Debora Margaret Hejza Litwiller

**Filer:**

Michael J. Nickerson

**Attorney Docket Number:**

A3557-US-NP

Filed as Large Entity

### Utility Filing Fees

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|-------------|----------|----------|--------|----------------------|
|-------------|----------|----------|--------|----------------------|

**Basic Filing:**

**Pages:**

**Claims:**

**Miscellaneous-Filing:**

**Petition:**

**Patent-Appeals-and-Interference:**

|  |      |   |     |     |
|--|------|---|-----|-----|
| Filing a brief in support of an appeal | 1402 | 1 | 510 | 510 |
|--|------|---|-----|-----|

**Post-Allowance-and-Post-Issuance:**

**Extension-of-Time:**

| Description       | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|-------------------|----------|----------|--------|----------------------|
| Miscellaneous:    |          |          |        |                      |
| Total in USD (\$) |          |          |        | 510                  |